



Docket No. MARLO-101 (501285.20101)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Mark R. Wilkinson
Serial No. : 10/055,542
Filed : January 23, 2002
For : SHAFT SEALING SYSTEM FOR A ROTARY MECHANICAL
DEVICE
Group Art Unit : 3676
Examiner : Enoch E. Peavey
Confirmation No. : 8854

**DECLARATION OF MARK R. WILKINSON
IN SUPPORT OF COMMERCIAL SUCCESS**

Mail Stop:
Honorable Assistant Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

MARK R. WILKINSON, the named inventor herein, hereby declares as follows:

1. I am the Mark R. Wilkinson identified as the inventor of the application. I hold a Bachelor of Science in General Business Finance/Mechanical Engineering from the University of Massachusetts at Amherst.

2. I am fully familiar with the application and the outstanding Office Action issued on April 22, 2003. I also attended the personal interview with Examiner Peavey at the United States Patent and Trademark Office on August 13, 2003.

3. This Declaration is submitted in order to establish commercial success of the bearing seal and system that forms the subject matter of the claims in the application.

4. A product catalog sheet describing the bearing seal and system as claimed in the application is attached hereto as Exhibit A.

5. Since filing the application in January 2002, my company has sold the bearings seal and system as claimed and shown on Exhibit 1 to at least 43 different customers. In most cases the customer initially purchased from one or two of the devices, in two cases three and in one case four. A schedule of sales of the claimed bearing and system is annexed as Exhibit B.

6. The initial sales reported on Exhibit B represent initial orders of 92 devices for the 43 customers. Of these 43 customers, seven have been installed within the past month or so, so that reorder history is not appropriate. Of the remaining 36 customers that purchased 68 devices, reorders are in excess of then fold for a total of 721 units. Reorders have ranged from 1 to 60 units. As can be seen from Exhibit 2, Customer No. 20 initially purchased six units at four locations and has reordered 96 units. Additionally, Customer No. 21 who initially purchased seven units at four different locations has reordered 106 units. Of these, 40 have been reordered for a location initially ordering one unit.

7. In summary, 43 customers have made initial purchases of 92 of the claimed bearing and system and have reordered over 700. This includes the 7 customers having recently purchased 24 claimed bearing and system. A recently completed sale to Customer No. 23 was for eight systems. I have every reason to believe that the outstanding success in reorders will apply to these additional 7 customers will be as satisfied with the product as the initial 36 customers resulting in the present reorder count of 721.

8. Based on this initial phenomenal reception of my claimed bearing seal and system, there can be little doubt of its commercial success. This establishes a long felt need in the packing industry for the seal and system as claimed and supports its patentability.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Mark R. Wilkinson

Dated: August 21, 2003
Easthampton, Massachusetts